

# Fairfax County Independent Police Auditor Recommendations

Updated May, 2021

IPA Case #	Incident Date	Report Date	Auditor Recommendation	FCPD Action/Response^	Status (as determined by the IPA)
17-02	1/16/2017	1/31/2018	Use term "non-deadly" force instead of "less-lethal" force	FCPD has had discussions on this matter and as this term is among the best practices outlined by PERF, CALEA, AD HOC Item UOF-16, and leading law enforcement agencies, the FCPD will continue the use of the term less lethal.	Not implemented
17-02	4/14/2017	1/31/2018	Consider new factors for UOF on an individual not engaged in criminal activity	FCPD continuously updates its use of force training. See lesson plan in Appendix A.	Implemented with modifications
17-01	1/16/2017	1/26/2018	Make available more "less lethal" options to each patrol shift	Patrol shift lineups specifically list the officers on each shift that are assigned with less lethal options to ensure that all officers and dispatchers have the less lethal options.	Implemented with modifications
17-01	1/16/2017	1/26/2018	100% of full-time SWAT members and at least 50% of supplemental SWAT members be equipped with "less-lethal" options	On any SWAT mission there are multiple less lethal options available. Outfitting each and every officer with their own assigned less lethal weapons would cause a significant fiscal impact. In addition, because of the confined spaces of the SWAT trucks the additional weapons for each officer would be challenging. SWAT officers are trained to operate as a team and the current procedure allows for each officer to have access to all FCPD less lethal options even if they are not specifically assigned to that weapon.	Implemented with modifications
17-04	6/22/2017	3/2/2018	Revise "Vehicle Stopping Techniques" policy: provide prior notification, when feasible, that officer intends to use the PIT	FCPD determined that in a pursuit, when an officer makes the decision to use a Vehicle Stopping Technique, there is not time to provide prior notification. However, in order to address this item, in General Order 505, Vehicle Stopping Techniques, the policy statement includes the following language "any officer, upon hearing that a vehicle stopping technique will be utilized, and who has pertinent information that may affect the successful utilization of the vehicle stopping technique, or has information which may protect the officer, public, and offender, including passengers, shall immediately relay that information via the police radio so that a controlling pursuit supervisor, commander, or duty officer can decide if the more prudent decision is to not utilize a vehicle stopping technique at that time."	Implemented with modifications

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17-07	6/23/2017	6/19/2018	Officers should request a CIT officer/Mobile Crisis Unit to engage person in crisis; obtain voluntary commitment	DPSC is provided with a list of all CIT trained officers to ensure they are available for incidents involving those in crisis. The Department is continuing the with goal of all officers receiving CIT Training. The Department has worked with CSB to enterprise ways to get more officers trained. One such way is the addition of all FCPD dedicated classes. The revision of General Order 603 is in progress and includes this language.	In progress
17-07	6/23/2017	6/19/2018	Officers should seek additional information from family members and other witnesses about past behavior when dealing with a person in crisis	The revision of General Order 603 is in progress and includes this language.	In progress
Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • Clarifying in G.O. 610.3 III. C. that warrants must be served within 15 days after being obtained and removing the possibility of an exception to this timeline and ensuring adherence to VA code § 19.2-56.	Addressed in revision of GO 610.3 Search Warrant Procedures.	Implemented
Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • Specifying within G.O. 610.3 IV. B. that the presence of domesticated animals should be presented at the briefing prior to executing a search warrant to make it consistent with G.O. 540.10 I. B.	Addressed in revision of GO 610.3 Search Warrant Procedures.	Implemented
Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • Clarifying in G.O. 610.3 V. B. that a member of the search team should “document” the execution of a search warrant, not “record” it, which could be construed as audio or video recording.	Addressed in revision of GO 610.3 Search Warrant Procedures.	Implemented
Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • Adding language to G.O. 610.3 VI. to specify that the knock and announce requirements prior to entry still apply when a search site is known or thought to be vacant.	Addressed in revision of GO 610.3 Search Warrant Procedures.	Implemented

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Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • Clarify in G.O. 610.3 VII. C. that no frisk can occur unless the officer conducting the frisk can articulate reasonable suspicion that the individual frisked is armed and poses a danger.	Addressed in revision of GO 610.3 Search Warrant Procedures.	Implemented
Memo	N/A	12/11/2018	Make policy changes to General Order 610.3 Search Warrant Procedures to include: • In G.O. 610.3 IX. B. removing confusing language regarding where a statement should be filed when no items are seized in a search.	<u>Item modified per State Code</u> <u>Code section 19.2-57</u> states that ... “within three days after the execution of such search warrant in the circuit court clerk's office, <b>wherein the search was made</b> , as provided in <u>§ 19.2-54</u> ”. For entire code section, See Appendix C. The lead detective/officer shall return the warrant to the issuing authority as soon as practical, within the 72 hours required by statute. A copy of the list of items seized shall be sworn to under oath, and such fact shall be stated in the inventory sheet before return to the court. If nothing is seized, a statement to that effect shall be filed with the Clerk of Circuit Court of the jurisdiction <del>where it was seized</del> <i>the warrant was executed</i> within 72 hours (auditor recommends verbiage where “warrant was issued”).	Implemented with modifications
18-03 & 18-02	6/2/2018 & 6/26/2018	4/24/2019 & 4/30/2019	Agree with FCPD Commander who requested reviews by the Fairfax County Criminal Justice Academy staff and the FCPD's Director of Accreditation of the department's use of and training on the Ripp Hobble device and SOP 07-029.	Revised SOP 07-029 III. B. 3. (effective date 7-20-2020) on Supplemental Restraints and reviewed associated training on use of Ripp hobble	Implemented
Data Review: UoF 2016	N/A	3/11/2020	The FCPD should take steps to collect and publish data on other kinds of police activities by subject race, such as traffic stops, consents to search, arrests, and citations.	<i>FCPD Response Forthcoming</i>	Partially Implemented and In progress
Memo	N/A	5/26/2020	Policy changes to G.O. 603.4 POLICE CITIZEN CONTACT, including clarifying elements of reasonable suspicion and making the reasonable suspicion standard consistent throughout the G.O.	<i>FCPD Response Forthcoming</i>	Implemented
Memo	N/A	5/26/2020	Policy changes to G.O. 203 REGULATIONS to ensure consistency with the G.O. on ARREST PROCEDURES.	<i>FCPD Response Forthcoming</i>	In progress
Memo	N/A	5/26/2020	Policy changes to G.O. 601 ARREST PROCEDURES, including to recognize the full extent of and limitations on the lawful search incident to arrest.	<i>FCPD Response Forthcoming</i>	Implemented

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Email	N/A	6/12/2020	Develop Social Media usage policy unique to members of the FCPD.	<i>Recommendation made to the Board of Supervisors</i>	Under Review
Email	N/A	6/12/2020	Give authority for Chief to immediately suspend officers, with pay or without pay, pending an internal investigation.	<i>Recommendation made to the Board of Supervisors</i>	Under Review
20-07	4/28/2019	12/14/2020	Add consensual encounters, investigative detentions, and arrests to the the mandatory activation of ICV equipment listed in FCPD G.O. 430.8 IV. A.	<i>FCPD Response Forthcoming</i>	Under Review
20-07	4/28/2019	12/14/2020	Mandate that custodial interrogations conducted in an FCPD-controlled interrogation room be recorded. Potential exceptions to mandatory recording of custodial interrogations should be identified.	<i>FCPD Response Forthcoming</i>	Under Review
20-06	5/27/2020	2/25/2021	Reiterated recommendation from 20-07	<i>FCPD Response Forthcoming</i>	Under Review
19-06	7/20/2019	3/5/2021	Revise the language in FCPD Regulation 201.22 to reflect that bias-based policing is prohibited even during consensual law enforcement activity and that the department's IAB will investigate all allegations of bias-based policing in an effort to prove or disprove them.	<i>FCPD Response Forthcoming</i>	Under Review
20-01	10/20/2019	3/25/2021	FCPD G.O 502 on "normal vehicle operations" should be revised to fix grammatical errors and reduce redundant language.	<i>FCPD Response Forthcoming</i>	Under Review
20-03	10/25/2019	5/7/2021	Add the "preponderance of the evidence" burden of proof standard to both the "Unfounded" and the "In Compliance" findings listed in FCPD G.O. 301 VI.	<i>FCPD Response Forthcoming</i>	Under Review
20-03	10/25/2019	5/7/2021	Whenever possible, any vehicle used to transport an arrestee shall be equipped with forward-facing and rear-facing in-car video capability and shall be equipped with safety partitions between the front and rear seats.	<i>FCPD Response Forthcoming</i>	Under Review

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